

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

JESSE ZUNIGA,

Plaintiff and Appellant,

v.

LOS ANGELES COUNTY CIVIL
SERVICE COMMISSION et al.,

Defendants and Respondents.

B179975

(Los Angeles County
Super. Ct. No. BS084496)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT*

It is ordered that the published opinion filed March 27, 2006, be modified as follows:

1. On page 5, the following paragraph is inserted after the first full paragraph:

In a petition for rehearing, Zuniga argues that he did not “resign,” but instead “retired,” and that the distinction is significant because the Commission retains jurisdiction in the cases of retirement. We disagree. As we understand the county’s system and others like it (e.g., State Personnel Board and the Public Employees’ Retirement System), the activating event is separation from service, whether by retirement, resignation, death, or discharge. The point at issue is the jurisdiction of the civil service agency—the Commission. Once a person has separated from service, the

Commission has no further jurisdiction except in the limited situations specified in the governing constitutional charter or statutory provisions. As we have discussed, none of these apply in this case. It appears that Zuniga applied for and received retirement from the Board of Retirement of the Los Angeles County Employees Retirement Association, thereby effecting a separation from service. This voluntary separation from service constituted a resignation from employment. (See *Duncan v. Department of Personnel Administration* (2000) 77 Cal.App.4th 1166, 1177-1178.)

There is no change in the judgment.

Appellant's petition for rehearing is denied.

*EPSTEIN, P. J.

WILHITE, J.

HASTINGS, J.**

**Retired Associate Justice of the Court of Appeal, Second Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.